

Serial No.: 09/942,520

Filed: Aug. 29, 2001

### REMARKS

By this amendment, Applicant amends claims 7, 8, 12, and 14–28 to set forth the invention with more particularity. Applicant also amends the specification to correct some typographical errors and submits substitute drawings. No new matter is added by this amendment. Claims remaining in this application are:

Independent claims: 15, 19, 23–26

Dependent claims: 7, 8, 12, 14, 16–18, 20–22, 27, 28

As a preliminary matter, Applicant thanks Examiner for reconsidering the final office action that led to the prior appeal and for suggesting amendments to the claims and specification likely to lead to allowance.

Applicant has amended the specification as suggested by Examiner. No new matter is added by this amendment.

Applicant has submitted substitute drawings as suggested by Examiner. No new matter is added by this amendment.

Applicant files herewith a statutory disclaimer in response to Examiner's provisional double patenting rejection. Applicant notes the prior application has now issued as U.S. Patent No. 7,056,205. Applicant respectfully submits that statutory disclaimer overcomes the rejection.

In response to Examiner's rejection under 35 U.S.C. § 101, Applicant has amended claims 15, 23, 24, and 25 to recite a method for "conducting" a game of chance. Applicant respectfully submits that these claims, as amended recite patentable subject matter. As Examiner has correctly pointed out, a method is unpatentable if it "manipulate[s] only numbers, abstract

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concepts or ideas, or signals representing any of the foregoing.” MPEP § 2106(IV)(B)(1).

Examiner further correctly points out that a method must have a “concrete, tangible, and useful result” to constitute statutory subject matter.

Applicant submits that the subject matter of the amended claims satisfies both of these tests. The steps of the claimed method lead from the concrete, tangible step of placing a wager to the concrete, tangible step of issuing a reward. In other words, the claimed method is a concrete, tangible, and useful method for conducting a series of steps to determine whether a wager input leads to an award output. This is not strictly a number or abstract concept or idea, but a series of concrete steps (including, for example, “randomly selecting,” “displaying,” “depleting,” and “reconstituting”) performed on an inventory of indicia that define how the determination of the award output is made.

To clarify that these steps are not merely the manipulation of abstract ideas, Applicant has amended the claim preambles to recite a method for “conducting” a game. Applicant respectfully submits that methods for “conducting” a series of steps for determining whether a wager is to be rewarded, even in the absence of specific hardware, is statutory subject matter as evidenced by any number of U.S. patents, including, for example, U.S. Patent Nos. 6,817,614 and 6,869,360. Therefore, Applicant respectfully submits that amended claims 15 to 18 and 23 to 25 recite statutory subject matter and, as such, are in condition for allowance.

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CONCLUSION

For the reasons advanced above, it is submitted that all pending claims are in condition for allowance. Allowance of all pending claims is requested. Should Examiner believe that a telephone interview would facilitate allowance of the pending claims, the undersigned would invite and request such an interview.

Respectfully submitted,  
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